

**REMARKS AND ARGUMENTS****Rejections under 35 USC § 102 (a) or (e)**

The Examiner has rejected claims 1-9 under 35 USC § 102 (a) or (e) as being anticipated by Bennett et al (US patent no. 6,087,173). In particular, the Examiner states that Bennett teaches a XIAP oligonucleotide comprising or consisting of SEQ ID NO:29. The Examiner relies on a sequence alignment of Applicant's SEQ ID NO:29 with Bennett's SEQ ID NO:11 in her finding of anticipation.

It is respectfully submitted that the Examiner is incorrect in her assertions. Applicant's SEQ ID NO:29 (see the application at page 31, Table 1, ninth entry) is completely different to Bennett's SEQ ID NO:11, as is evidenced by the comparison shown below.

CATCTTCTCTTGAAAATAGG (SEQ ID NO: 11)

CGCACGGTATCTCCTTCAC (SEQ ID NO: 29)

Thus, Bennett's SEQ ID NO:11 does not anticipate Applicant's SEQ ID NO:29 and therefore, it is respectfully requested that the rejections of claims 1-9 be withdrawn.

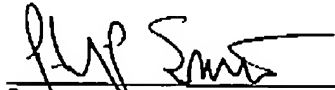
If any further extension of time is necessary, the United States Patent and Trademark Office is hereby petitioned for such an extension and may charge any necessary fees to our **Deposit Account no. 50-4067.**

If any further fee, **whatsoever**, with respect to the present application is due, the United States Patent and Trademark Office is in any event hereby authorized to charge such further amount to our **Deposit Account no. 50-4067.**

In light of the foregoing comments, favourable reconsideration and early allowance of this application is respectfully requested.

Respectfully submitted,

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